

REMARKS

Claims 1 - 54 are present for Examiner Kwiecinski's consideration. Claims 1 – 24, 26 – 46 and 48 – 54 have been amended to more clearly define the invention.

Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

Applicant has amended Figs. 1 – 6, 6A, 6B and 7 and 8 to add numerals, remove numerals and to add lead lines or arrows to better allow the Figures to correspond to the specification. The specific changes are shown in red ink on the accompany Figures along with a new clean set of Figures.

Applicant has amended claims 1 - 24, 26 – 46 and 48 – 54.

Independent claims 1 and 46 have been amended to recite “a plurality of spaced apart spacing blocks positioned in said elongate jamb adjacent to said inner surface of said jamb face plate” and “a plurality of spaced apart reinforcement plates secured to said inner surface of said jamb face and aligned longitudinally between said plurality of spaced apart spacing blocks”. Basis for this language is found in the specification starting on page15, line 29 and continuing to page 20, line 13, and is also shown in Figs. 6, 6A, 6B of the drawings.

Dependent claim 2 has been amended to recite that the spacing blocks have a planar surface which contacts a planar surface formed on the elongate insert. Basis for this language is found in the specification starting on page15, line 29 and continuing to page 20, line 13, and is also shown in Figs. 6A, 6B and 7 of the drawings.

Dependent claim 3 has been amended to recite that the planar surface of the spacing blocks faces away from the inner surface of the jamb plate. Basis for this language is found in Figs. 6A, 6B and 7 of the drawings.

Dependent claims 4 – 7 have been amended to replace “element” with “portion” along with minor corrections to make the claims more readable.

Dependent claim 8 has been amended to recite at least three spacing blocks. Basis for this feature is shown in Fig. 6A of the drawings.

Dependent claim 9 has been amended to recite that the spacing blocks contact the inner surface of the jamb plate and a portion of the inner and outer flanges. Basis for this feature in shown is Fig. 6 of the drawings.

Dependent claim 10 has been amended to have proper antecedent basis from claim 8 which in turn is dependent from independent claim 1. Basis for this amendment is found in the specification starting on page15, line 29 and continuing to page 20, line 13, and is also shown in Figs. 6, 6A, 6B of the drawings.

Dependent claim 11has been amended to recite a single reinforcement plate longitudinally positioned between two adjacent spacing blocks. Basis for this amendment is found in Fig. 6A of the drawings.

Dependent claim 12 is now dependent from claim 11 and recites that each of the reinforcement plates has at least one hole formed there through. Basis for this amendment is found in Fig. 6B of the drawings.

Dependent claim 13 is now dependent from claim 11 and recites that the draw fastener is inserted through at least one of the apertures and corresponding hole formed in the face plate and spacing blocks. Basis for this amendment is shown in Fig. 8 of the drawings.

Dependent claim 14 and 15 are now dependent from claim 13. In addition, in claim 15, the fastener is recited to pass into a stud. Basis for this amendment is shown in Fig. 8 of the drawings.

Dependent claim 16 has been amended to depend from claim 1 and to recite that each of the reinforcement plates has a thickness which approximates the thickness of each of the spaced apart spacing blocks. Basis for this amendment is found in Fig. 6A of the drawings.

Dependent claim 17 has been amended to depend from claim 1 and to recite that at least three reinforcement plates are spaced between four spacing blocks in each elongate jamb. Basis for this amendment is found in Fig. 6A of the drawings.

Dependent claim 18 has been amended to depend from claim 1 and to recite a plurality of reinforcement plates versus "door interface hardware". Basis for this amendment is found in Fig. 6B of the drawings.

Dependent claim 19 has been amended to depend from claim 1 and to recite a plurality of reinforcement plates versus "door interface hardware". Basis for this amendment is found in Fig. 6B of the drawings.

Dependent claim 20 has been amended to depend from claim 1 and to recite a plurality of spacing blocks contact a portion of the inner surface of the jamb plate. Basis for this amendment is found in the specification starting at page 15, line 4 and continuing to page 21, line 17 and is also shown in Figs. 6, 6A and 6B of the drawings.

Dependent claim 21 – 23 have been amended to depend from claims 20, 1 and 13 respectively. In addition, claims 21 – 23 have been amended to contain proper antecedent basis from the claims they depend from.

Dependent claim 24 has not been amended.

Dependent claims 26 – 41 have been amended to depend from a different base claim.

Dependent claims 42 – 45 have been amended to recite that a two piece fastener passes into a stud. Basis for this feature is clearly shown in Fig. 8 of the drawings. Claims 43 – 45 have also been amended to depend from a different base claim.

Independent claim 46 has been amended in a similar fashion to independent claim 1. Basis for this language is found in the specification starting on page 15, line 29 and continuing to page 20, line 13, and is also shown in Figs. 6, 6A, 6B of the drawings.

Dependent claim 47 has not been amended.

Dependent claim 48 has been amended to delete the word "reinforcing".

Dependent claim 49 has been amended to change the word "element" to "portion". In addition, the word "reinforcing" has been deleted. Basis for this amendment is found in the specification starting at page 15, line 29 and continuing to page 20, line 13.

Dependent claim 50 has been amended to recite that each spacing block has a planar surface which cooperates with the planar surface of the elongate insert. Basis for this amendment is found in the specification starting at page 15, line 29 and continuing to page 20, line 13.

Dependent claims 51 and 52 have been amended to replace "door interface hardware" with "reinforcement plates". Basis for this amendment is found in the specification starting at page 15, line 29 and continuing to page 20, line 13.

Dependent claim 53 has been amended to recite that the fastener head has a circular cross-sectional configuration. Basis for this amendment is shown in Figs. 9 and 10 of the drawings.

Independent claim 54 has also been amended to recite that the fastener head has a circular cross-sectional configuration. Basis for this amendment is shown in Figs. 9 and 10 of the drawings.

By way of the Office Action mailed 11/24/2006, Examiner Kwiecinski rejected claims 1, 8-9, 12, 24, 28, 30, 35 and 38-39 under 35 U.S.C. § 102(b) as being anticipated by USPN 4,015,382 to Noyes. This rejection is respectfully traversed in view of the amendments to the claims.

Applicant now believes that his claimed invention differs over the Noyes patent both structurally and functionally. Applicant's amended claim 1 now recites a plurality of spaced apart spacing blocks and a plurality of spaced apart reinforcement plates, both of which are covered by the elongate insert. The spacing blocks are positioned adjacent to the inner face of the jamb plate and the reinforcing plates are aligned longitudinally between the plurality of spacing blocks. In addition, the insert has a width which is less than the width of the spacing blocks. The Noyes patent does not teach a plurality of spacing blocks and does not teach a plurality of reinforcement plates longitudinally positioned between the spacing blocks. The Noyes patent does have a stiffener 33 but this is not equivalent to the

plurality of spaced apart spacing blocks claimed by Applicant. The single stiffener 33 taught by Noyes runs the entire length of the jamb and leaves no room for reinforcement plates. The reinforcement plates are metal members into which hinges can be mounted. In Noyes, the stiffener 33 prevents any reinforcement plates from fitting into the jamb assembly. In addition, if the Z-shaped member 23, see Fig. 3 of Noyes, is compared to Applicant's elongate insert, one can clearly see that the Z-shaped member of Noyes has a width that is greater than, not less than, the width of the stiffener 32, see Figs. 3 and 4 of Noyes. Accordingly, Noyes fails to teach or disclose Applicant's claimed invention.

Furthermore, Applicant's dependent claims 2 and 3 recite that both the spaced apart spacing blocks and the elongate insert have planar surfaces which contact with one another. As mentioned above, the stiffener 33 in Noyes is not equivalent to a plurality of spaced apart spacing blocks. Applicant's spacing blocks allow the reinforcement plates to be present. The hinges for the door are secured to these metal reinforcement plates. If the spacing blocks were a single solid member equivalent to the stiffener 33 taught by Noyes, one could not position the reinforcement plates longitudinally between adjacent spacing blocks. This is an important feature which increases the functionality of Applicant's claimed invention. Accordingly, Noyes does not teach or disclose Applicant's claimed invention. In view of the above-identified structural differences, Applicant believes that his claimed invention is patentably distinct over Noyes and claims 1, 8-9, 12, 24, 28, 30, 35 and 38-39 should be allowed at this time.

By way of the Office Action mailed 11/24/2006, Examiner Kwiecinski rejected claim 54 under U.S.C. § 102(b) as being anticipated by US Publication 2003/0068211 to Bailey. This rejection is respectfully traversed in view of the amendments to the claims.

The Examiner has cited Bailey as teaching a fastener. However, Bailey teaches a three piece fastener and not a two piece fastener as now claimed by Applicant. Bailey's fastener includes a housing 40, a hanger bolt 60 and a socket head set screw 30. Applicant's fastener only includes two pieces, a fastener body and a fastener head. In addition, Applicant's fastener has a bore formed in the fastener head but the bore is closed at one end. In Bailey, a threaded bore passes completely through the length of the head

and a socket head set screw is screwed into the threaded bore. The socket head set screw is separate and distinct from the housing 40. In view of the above-identified structural differences, Applicant believes that his claimed invention is patentably distinct over Bailey and claim 54 should be allowed at this time.

By way of the Office Action mailed 11/24/2006, Examiner Kwiecinski rejected claims 2-3, 10-11, 25, 29 and 36 under 35 U.S.C. § 103(a) as being unpatentable over USPN 4,015,382 to Noyes in view of USPN 5,233,802 to Rogers. This rejection is respectfully traversed in view of the amendments to the claims.

Examiner Kwiecinski cited Rogers as teaching a plurality of stiffeners 68 spaced apart along the elongate jamb. However, the stiffeners 68 in Roger are not equivalent to the reinforcing plates taught by Applicant. Applicant's reinforcement plates contain holes or apertures which allow door hinges to be mounted to them. Applicant's reinforcement plates are formed from metal and hole or apertures need to be drilled into them to support the screws that will support the door hinges. The narrow telescoping design of the stiffeners of Roger do not allow them to serve the same function as Applicant's reinforcement plates. In addition, if one skilled in the art tried to combine the teaching of Noyes and Roger, one would have to decide if the stiffener 32 of Noyes should be completely eliminated or if both the stiffeners 68 of Roger and the stiffener 32 of Noyes should be used together. If both stiffeners are used together, then how do they fit into the elongate cavity of the jamb? Neither patent discloses such an arrangement. Accordingly, Applicant does not believe that the combination of Noyes and Roger teaches his now claimed invention and therefore claims 2-3, 10-11, 25, 29 and 36 should be allowed at this time.

By way of the Office Action mailed 11/24/2006, Examiner Kwiecinski rejected claims 4-7, 26-27, 37, 46-47 and 49-50 under 35 U.S.C. § 103(a) as being unpatentable over USPN 4,015,382 to Noyes in view of USPN 3,591,985 to Coppins. This rejection is respectfully traversed in view of the amendments to the claims.

Examiner Kwiecinski has cited Coppins as teaching a single stud to which the elongate jamb assembly can be fastened and to show a wooden member filling the entire

void of the elongate jamb. However, Applicant's claimed invention now recites a plurality of spaced apart spacing blocks and a plurality of spaced apart reinforcement plates. Neither Noyes nor Coppins teach these structural elements. In addition, one skilled in the art can not position such members in the elongate cavity of the jamb if it is completely filled by the frame member 2, (see Fig. 2 of Coppins) as taught by Coppins. In view of this structural difference, Applicant does not believe that the combination of Noyes and Coppins teaches his claimed invention and claims 4-7, 26-27, 37, 46-47 and 49-50 such be allowed at this time.

By way of the Office Action mailed 11/24/2006, Examiner Kwiecinski rejected claims 13, 14 and 31 under 35 U.S.C. § 103(a) as being unpatentable over USPN 4,015,382 to Noyes in view of USPN 4,698,944 to Wilkins Jr. This rejection is respectfully traversed in view of the amendments to the claims.

Examiner Kwiecinski has cited Wilkins, Jr. as disclosing a fastener for attaching the elongate jamb assembly to a stud. However, Wilkins, Jr. does not have any stiffening members located in his jamb assembly. Therefore, his fastener does not pass through any intermediate members. Applicant's Figs. 6 and 8 show a fastening member that passes through the spacing block and the elongate insert. In Fig. 8, Applicant shows his fastening member passing into a stud 54 which forms the frame into which the door assembly is attached. Furthermore, for the reasons recited above, Noyes alone is deficient in teaching Applicant's claimed invention and the combination of the teachings in Wilkins, Jr. does not teach Applicant's now claimed invention. Accordingly, Applicant believes that claims 13, 14 and 31 are now in condition for allowance.

By way of the Office Action mailed 11/24/2006, Examiner Kwiecinski rejected claim 15 under 35 U.S.C. § 103(a) as being unpatentable over USPN 4,015,382 to Noyes in view of USPN 5,233,802 to Rogers in view of USPN 4,698,944 to Wilkins Jr. This rejection is respectfully traversed in view of the amendments to the claims.

Examiner Kwiecinski's combination of Noyes, Roger and Wilkins, Jr. still fails to teach Applicant's now claimed invention because a fastener is not taught which passes completely through an insert, as well as passing into the stud which abuts the elongate jamb. In Wilkins Jr., the fastener 42 does not pass into a stud. Instead the fastener is

screwed into a bracket that has been secured to the stud. This is a structural difference that Wilkins, Jr. does not address. In view of this structural difference, Applicant does not believe that the combination of Noyes, Rogers and Wilkins, Jr. teaches his claimed invention and therefore claim 15 should be allowed at this time.

By way of the Office Action mailed 11/24/2006, Examiner Kwiecinski rejected claims 16, 18, 19, 32, 33 and 40 under 35 U.S.C. § 103(a) as being unpatentable over USPN 4,015,382 to Noyes in view of USPN 5,619,823 to Ruff et al. This rejection is respectfully traversed in view of the amendments to the claims.

Examiner Kwiecinski has cited Ruff et al. as teaching one or more door interface hardware permanently mounted to the jamb. Applicant agrees with the Examiner that Ruff et al. does teach hinge reinforcement plates 46 and anchor sleeves 70, see Figs. 4 and 5 of Ruff et al. However, neither Noyes nor Ruff et al. teach a plurality spacing blocks positioned between the plurality of reinforcement plates nor an elongated insert that covers both the spacing blocks and the reinforcement plates. As stated above, if spacing blocks and reinforcement plates were added to the jamb assembly of Noyes, then the stiffener 32 would have to be changed to accommodate such members. Currently, the stiffener 32 in Noyes is a single elongate member which does not contain grooves or notches that could accommodate spacing blocks or reinforcement plates. In view of this structural difference, Applicant does not believe that the combination of Noyes and Ruff et al. teaches his claimed invention and therefore claims 16, 18, 19, 32, 33 and 40 should be allowed at this time.

By way of the Office Action mailed 11/24/2006, Examiner Kwiecinski rejected claim 17 under 35 U.S.C. § 103(a) as being unpatentable over USPN 4,015,382 to Noyes in view of USPN 5,619,823 to Ruff et al. in view of USPN 4,698,944 to Wilkins Jr. This rejection is respectfully traversed in view of the amendments to the claims.

Applicant has amended claim 17 to recite at least three reinforcement plates spaced between four spacing blocks. The combination of Noyes, Ruff et al and Wilkins, Jr. does not teach such a feature. In view of this, Applicant believes that presently worded claim 17 is patentably distinct over any of the references cited by Examiner Kwiecinski and should be allowed at this time.

By way of the Office Action mailed 11/24/2006, Examiner Kwiecinski rejected claims 21-22, 34 and 41 under 35 U.S.C. § 103(a) as being unpatentable over USPN 4,015,382 to Noyes in view of USPN 5,603,191 to Wu. This rejection is respectfully traversed in view of the amendments to the claims.

Examiner Kwiecinski has cited Wu as disclosing a friction fit between two members. However, even when Wu is combined with Noyes, Applicant's now claimed invention is not taught because of the structural features mentioned in claim 1 from which claims 21-22, 34 and 41 directly or indirectly depend. Accordingly, Applicant believes that his presently claimed invention is patentably distinct over the combination of Noyes and WU and therefore claims 21-22, 34 and 41 should be allowed at this time.

By way of the Office Action mailed 11/24/2006, Examiner Kwiecinski rejected claim 23 under 35 U.S.C. § 103(a) as being unpatentable over USPN 4,015,382 to Noyes in view of USPN 4,698,944 to Wilkins Jr. in view of USPN 5,603,191 to Wu. This rejection is respectfully traversed in view of the amendments to the claims.

Examiner Kwiecinski has cited Wu as disclosing a friction fit between two members. However, even when Wu is combined with Noye and Wilkins, Jr., Applicant's now claimed invention is not taught because of the structural features mentioned in claim 1 from which claim 23 indirectly depends. Accordingly, Applicant believes that his presently claimed invention is patentably distinct over the combination of Noyes and WU and therefore claim 23 should be allowed at this time.

By way of the Office Action mailed 11/24/2006, Examiner Kwiecinski rejected claims 42 - 43 under U.S.C. § 103(a) as being unpatentable over USPN 4,015,382 to Noyes in view of US Publication 2003/0068211 to Bailey. This rejection is respectfully traversed in view of the amendments to the claims.

Examiner Kwiecinski has cited Bailey as teaching a fastener with a detachable head. However, as mentioned earlier, it is the socket head set screw that is detachable in Bailey and not the entire head. Applicant's claim now recites a two piece fastener. Bailey teaches a three piece fastener which is clearly different from Applicant's fastener. Accordingly, Applicant believes claims 42 - 43 are patentably distinct over the combination of Noyes and Bailey and should be allowed at this time.

By way of the Office Action mailed 11/24/2006, Examiner Kwiecinski rejected claim 44 under U.S.C. § 103(a) as being unpatentable over USPN 4,015,382 to Noyes in view of USPN 5,619,823 to Ruff et al. in view of US Publication 2003/0068211 to Bailey. This rejection is respectfully traversed in view of the amendments to the claims.

As amended, Applicant's claim 44 depends from claim 37 which in turn depends from claim 3, 2 and 1 respectively. None of the references discloses all of the elements taught in claim 1, 2, 3, 37 and 44. In view of this, Applicant believes that his claim 44 is patentably distinct over the combination of Noyes, Ruff et al. and Bailey and should be allowed at this time.

By way of the Office Action mailed 11/24/2006, Examiner Kwiecinski rejected claim 45 under U.S.C. § 103(a) as being unpatentable over USPN 4,015,382 to Noyes in view of USPN 5,603,191 to Wu in view of US Publication 2003/0068211 to Bailey. This rejection is respectfully traversed in view of the amendments to the claims.

As amended, Applicant's claim 45 depends from claim 38 which in turn depends from claim 4, 3, 2 and 1 respectively. None of the references discloses all of the elements taught in claim 1, 2, 3, 4, 38 and 45. In view of this, Applicant believes that his claim 45 is patentably distinct over the combination of Noyes, Wu and Bailey and should be allowed at this time.

By way of the Office Action mailed 11/24/2006, Examiner Kwiecinski rejected claim 48 under 35 U.S.C. § 103(a) as being unpatentable over USPN 4,015,382 to Noyes in view of USPN 3,591,985 to Coppins in view of USPN 5,233,802 to Rogers. This rejection is respectfully traversed in view of the amendments to the claims.

Applicant has amended independent claim 46, from which claim 48 depends, to recite a plurality of spaced apart spacing blocks and a plurality of spaced apart reinforcement plates aligned longitudinally between the spacing blocks. Noyes in combination with Coppins and Rogers does not teach such structural elements. Accordingly, the combination of Noyes, Coppins and Rogers fails to teach or disclose Applicant's claimed invention in dependent claim 48. Accordingly, Applicant believes that his claim 48 is patentably distinct over this combination of prior art references and should

be allowed at this time.

By way of the Office Action mailed 11/24/2006, Examiner Kwiecinski rejected claims 51-52 under 35 U.S.C. § 103(a) as being unpatentable over USPN 4,015,382 to Noyes in view of USPN 3,591,985 to Coppins in view of USPN 5,619,823 to Ruff et al. This rejection is respectfully traversed in view of the amendments to the claims.

Applicant's claim 51 is dependent from independent claim 46 and Applicant's claim 52 is dependent from claim 51. As stated above, Noyes does not teach or disclose the presence of spacing blocks or reinforcement plates in his jamb assembly. Coppins and Ruff et al. are also lacking in teaching such structural elements. None of the cited references teach the more specific structure recited in claims 51 and 52. In view of this, Applicant believes that his claims 51 and 52 are patentably distinct over the cited prior art and should be allowed at this time.

By way of the Office Action mailed 11/24/2006, Examiner Kwiecinski rejected claim 53 under U.S.C. § 103(a) as being unpatentable over USPN 4,015,382 to Noyes in view of USPN 3,591,985 to Coppins in view of US Publication 2003/0068211 to Bailey. This rejection is respectfully traversed in view of the amendments to the claims.

Applicant's claim 53 depends from independent claim 46 and adds a feature that the fastener head has a circular cross-sectional configuration. The fastener in Bailey has a hexagonal shaped head. Applicant's fastener is now claimed to be a two piece fastener while Bailey teaches a three piece fastener. The two are not similar. Accordingly, Applicant believes that his claim 53 is patentably distinct over the combination of Noyes, Coppins and Bailey and should be allowed at this time.

In summary, Applicant believes that original claims 25 and 47 as well as amended claims 1 – 24, 26 – 46 and 48 – 54 are patentably distinct over the cited references and should be allowed at this time.

Applicant submits that all bases of rejection have been overcome, that no new matter has been added, and that the new claims are allowable over all prior art of record, whereby all of the claims as presented herein are allowable over all prior art of record. Allowance of all claims in the application is respectfully solicited.

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- 33 -

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A check in the amount of \$120.00 is enclosed herewith to pay for the one month extension of time. No other fee is believed to be due. Should any additional fee be properly due, or if any refund is due, kindly charge same, or credit any overpayment, to Deposit Account 23-2130.

Please feel free to contact the undersigned with any questions, comments or concerns, at the telephone number listed below.

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